

MINUTES OF THE HOUSE COMMERCE, LABOR AND ECONOMIC DEVELOPMENT
COMMITTEE

The meeting was called to order by Chairperson Mark Hutton at 1:30 pm on Monday, February 02, 2015, 346-S of the Capitol.

All members were present

Committee staff present:

Reed Holwegner, Legislative Research Department
Linda Herrick, Kansas Legislative Committee Assistant
Jason Thompson, Office of Revisor of Statutes
Chuck Reimer, Office of Revisor of Statutes

Conferees appearing before the Committee:

Carl Best, Wichita

Others in attendance:

[See Attached List](#)

Hearing and possible action on: HB2096 — Kansas Uniform Common Interest Owners Bill of Rights Act.

Chairperson Hutton opened the hearing. Chuck Reimer, Revisor of Statutes, gave an overview noting this bill would change the current law to allow property owners associations to restrict political signs, and flags from being placed on common areas under the property owners association's authority. The bill would take effect on July 1 when printed in the statute book.

Representative Claeys asked for clarification of KSA 58-4602 and whether limited common elements could be a front porch, patio, deck not owned but for exclusive use.

Carl Best provided testimony as a proponent ([Attachment 1](#)). He noted when the property owners association board asked a homeowner to remove the signs, the homeowner referred the association to KSA 58-3820, and so the sign was allowed. Mr. Best noted that common elements is defined in KSA 58-4602(e) as property not owned individually but held by all unit owners and includes grounds, parking areas, and recreational facilities. He added when signs are posted in common areas, it might appear the association is promoting the candidates or political agenda. The signs may also cause additional maintenance of common areas.

Representative Claeys noted he doesn't believe this bill, as worded, takes care of this issue and there is no definition of common area. Representative Ruiz added that KSA 58-3820 does not distinguish between common property and individually owned property.

Representative Frownfelter noted that if the home owners association is a not-for-profit organization, it is not allowed to campaign, and the association could lose its rating with the government.

CONTINUATION SHEET

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Mr. Best responded to further questions noting that he represents himself and not the home owners association, which consists of 43 members. When a person buys their home, that person agrees to certain rights and rules for common areas.

Written only testimony as an opponent was submitted by Rod Hoffman, Overland Park ([Attachment 2](#)), who had concerns about the language in the bill. Chairperson Hutton noted that no action will be taken in order to allow time for staff to clarify the wording.

The fiscal note indicates this bill would have no fiscal effect on Kansas cities. The hearing was closed.

Possible bill introductions

Chairperson Hutton asked if there were any bills to be introduced. Representative Diana Dierks asked for the introduction of a bill concerning roofing contract registrations. This proposed bill would amend KSA 50-6,122 so a general contractor does not have to be registered as a roofer when he is not involved in roofing.

Representative Whipple moved, seconded by Representative Ruiz, the bill requested be introduced. The motion passed.

Adjournment

The meeting adjourned at 1:52 p.m. The next meeting will be Tuesday, February 3.